

**FEDERAL DISTRICT COURT OF WASHINGTON
WESTERN DISTRICT AT TACOMA**

ADRIAN DAMON SIMS, an individual,

Plaintiff,

vs.

CITY OF LAKEWOOD, WASHINGTON,
a political subdivision of the state of
Washington, OFFICER JAMES SYLER, a
City of Lakewood Police Officer and DOES
1 through 5, inclusive,

Defendants.

No. 20-cv-06201 BHS

**JOINT STATUS REPORT
AND DISCOVERY PLAN**

The parties certify that they held the initial conference of counsel required under Fed. R. Civ. P. 26(f) on March 4, 2021. As a result of this conference, the parties have consulted and developed this proposed discovery plan and status report.

Pursuant to Fed. R. Civ. P. 26(f)(3), and Local Civ. R. 26(f), and this Court's December 8, 2020 Order Regarding Initial Disclosures, Joint Status Report, And Early Settlement, the parties submit this Joint Status Report and Discovery Plan, and request the Court set by order the dates proposed below for proceedings in this matter.

JOINT STATUS REPORT AND DISCOVERY
PLAN - 1

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1 **1. Nature and Complexity of the Case.**

2 This is a civil lawsuit encompassing federal civil rights claims under 42 U.S.C. §1983 and
3 state law claims against Defendants the City of Lakewood and Officer James Syler, a City of
4 Lakewood Police Officer. The allegations brought by Plaintiff , Adrian Damon Sims (“Sims”) arise
5 from his October 12, 2017 arrest for, inter alia, Violation of a No-Contact Order Assault, Felony in
6 Bonney Lake, Washington. He was charged in an eight count Information under Pierce County Cause
7 No. 17-1-03952-9 and ultimately pled guilty to felony Counts 4 and 5, Domestic Violence Court
8 Order for knowingly having contact with Kathleen Sims. Mr. Sims alleges that Deputy Syler violated
9 his Fourth and Fourteenth Amendment constitutional rights by use of excessive force with a City of
10 Lakewood Police dog, Rock. Sims further alleges City of Lakewood engaged in a pattern and practice
11 of same or similar violation of constitutional rights, which were ratified by supervising officers.

12 Sims also asserts the state law claims of negligence, assault and battery and strict liability
13 under RCW 16.08.040 against the individually named deputy and lack of supervision, training and
14 oversight, assault and battery and strict liability under RCW 16.08.040 against the City of Lakewood.

15 Sim’s assault and battery claims are barred by the applicable statute of limitations and Sims
16 stipulates to dismissal of those claim. Defendants City of Lakewood and Deputy James Syler deny
17 all of Sims’s remaining claims.

18 **2. Proposed Deadline to Join Additional Parties.**

19 No additional parties are anticipated, but if there are any, they should be joined by August 31,
20 2021.

21 **3. Magistrate Judge.**

22 The parties do not consent to the Court assigning this action to a Magistrate Judge.

23 **4. Discovery Plan.**

1 **A. Initial Disclosures under FRCP 26(a)(1).**

2 Service of process was only recently obtained. The parties have agreed to exchange initial
3 disclosures by March 29, 2021.

4 **B. Subjects on which discovery may be needed.**

5 The parties anticipated that the subjects of discovery will include, but may not be limited to,
6 the facts and circumstances involving Plaintiff's alleged claims, the nature and extent of his alleged
7 injuries, and Defendants' defenses. The parties do not propose any changes to the subjects or timing
8 of discovery at this time. The parties further agree that phased discovery is unnecessary.

9 **C. Electronically Stored Information.**

10 No special rules are anticipated. If issues arise, counsel will confer, and if necessary, seek
11 guidance from the court.

12 **D. Privilege Issues.**

13 At this time, the parties do not anticipate issues related to privilege protection. If privilege is
14 claimed, the party claiming privilege will identify the document or issue protected with enough
15 particularity to assess the claim of privilege and will identify the privileged claimed.

16 **E. Limitations on Discovery.**

17 The parties do not propose any limitations beyond those set forth by the federal civil rules of
18 procedure and local rules of this court. If issues arise, the parties will attempt to resolve them and if
19 necessary, will file the appropriate motions.

20 **F. Discovery Related Orders.**

21 None at this time. However, if disclosure of information that would generally be considered
22 confidential is requested, a protective order consistent with the Western District of Washington Model
23 Protection Order may be requested.

1 **5. Local Civil Rule 26(f) Statements.**

2 **A. Prompt Case Resolution.**

3 This is not a case that can be promptly resolved at this time.

4 **B. Alternative Dispute Resolution.**

5 Will be attempted by mediation.

6 **C. Related Cases.**

7 The parties are not aware of any related cases at the moment.

8 **D. Discovery Management.**

9 The parties do not anticipate any discovery management issues. The parties will do their
10 utmost to cooperate in the discovery process.

11 **E. Anticipated Discovery Sought.**

12 The parties anticipate seeking discovery on the subjects as stated in 4(B) above. The parties
13 further anticipate the discovery will consist of the exchange of interrogatories and request for
14 production of documents as well as the depositions of the relevant witnesses on the liability and
15 damages issues.

16 **F. Phasing Motions.**

17 The parties currently do not believe that phased discovery motions are necessary.

18 **G. Preservation of Discovery Information.**

19 The parties agree to preserve and not destroy any discoverable information. No special
20 provision is needed.

21 **H. Privilege Issues.**

22 See 4(D) above.

23 **I. Model Protocol for Discovery of ESI.**

1 The parties do not believe that the model ESI agreement is necessary at this time and agree
2 that ESI can be produced in PDF form. If issues arise regarding ESI, the parties will attempt to resolve
3 them and if necessary, will file the appropriate motions.

4 **J. Alternatives to Model Protocol.**

5 None.

6 **6. Discovery Cutoff.**

7 90 days before trial.

8 **7. Bifurcation.**

9 The parties agree at this time bifurcation is not warranted in this case.

10 **8. Pretrial Statements and Pretrial Orders Should be Dispensed with in whole or in part.**

11 No.

12 **9. Intent to Utilize the Individualized Trial Program.**

13 The parties anticipate use of mediation and will consider use of the court's local rule 39.1(c).

14 **10. Suggestions for Simplifying Case.**

15 No suggestions at this time to shorten or simplify the case.

16 **11. Date Case Will Be Ready for Trial.**

17 Plaintiff asks the Court to schedule a trial date June 15, 2022. Defendants request a trial date
18 one year from the date of this Joint Status Report.

19 **12. Jury.**

20 Jury. Plaintiff filed a jury demand on December 11, 2020. *See* Dkt. 1.

21 **13. Trial Days Required.**

22 The parties believe that the trial in this matter will take approximately 6-8 days.

23 **14. Trial Counsel.**

Counsel for Plaintiff

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15. Trial Complications.

Plaintiff's counsel has the following trial conflicts: Plaintiff has no trials set for the month of June, 2022.

Defendants' counsel has no case conflicts at this time.

16. Service.

N/A. Service of process of the Summons and Complaint has been accepted.

17. Scheduling Conference.

Neither party desires a scheduling conference at this time.

18. Corporate Disclosure Statements.

There are no non-governmental corporate parties in this matter.

19. Dates of Corporate Disclosure Filings.

Not applicable.

DATED this 26th day of March 2021.

PLOWMAN LAW

MARY ROBNETT
Pierce County Prosecutor's Office

s/FRANK CORNELIUS

/s/Stephen J. Plowman

STEPHEN J. PLOWMAN, WSBA No. 21823
Attorney for Plaintiff, Adrian Sims

FRANK CORNELIUS, WSBA No. 29590
Deputy Prosecuting Attorney
Attorney for all Defendants

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on March 30, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system, which will send notification of such filing to the following:

Counsel for Defendants
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I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 30th day of March 2021.

/s/ Stephen J. Plowman

Stephen J. Plowman, Attorney for Plaintiff